

RESOLUTION #TC-1927

Bridge Inspection and Maintenance Agreement

WHEREAS, the Colorado Bridge Enterprise was created by the “Funding Advancements for Surface Transportation and Economic Recovery Act of 2009” (“FASTER”), cited as Chapter 5, Session Laws of Colorado 2009, First Regular Session, 67th General Assembly, as a government-owned business within the Colorado Department of Transportation (“CDOT”); and

WHEREAS, FASTER identifies the business purpose of the Bridge Enterprise to include financing, repairing, reconstructing, and replacing any Designated Bridge (as defined by Section 43-4-803(10)), in the State, and as agreed upon by the Bridge Enterprise and the Transportation Commission, or CDOT to the extent authorized by the Transportation Commission, to maintain the Designated Bridges it finances, repairs, reconstructs, and replaces; and

WHEREAS, CDOT and the Bridge Enterprise have previously executed a Master Agreement effective January 21, 2010 (the “Master Agreement”) which sets forth terms and conditions for interaction between CDOT and the Bridge Enterprise in furtherance of the Bridge Enterprise’s business purposes and to preserve the status of the Bridge Enterprise as an “enterprise” under Section 20 of Article X of the Colorado Constitution; and

WHEREAS, Article Three of the Master Agreement provides for a separate maintenance agreement between CDOT and the Bridge Enterprise providing the terms of each party’s maintenance obligations with respect to Designated Bridges transferred by CDOT to the Bridge Enterprise; and

WHEREAS, in furtherance of the business purposes of the Colorado Bridge Enterprise and additionally to preserve the status of the Colorado Bridge Enterprise as an “enterprise” within CDOT under section 20 of article X of the State Constitution, the Colorado Transportation Commission has determined it is necessary and convenient to enter into a written agreement with the Bridge Enterprise, to define and provide for the roles, responsibilities and powers of CDOT and the Bridge Enterprise relating to inspection and maintenance of Designated Bridges in the State.

NOW THEREFORE BE IT RESOLVED, the Colorado Transportation Commission approves execution by the Executive Director of the Agreement for Bridge Inspection and Routine Bridge Maintenance by and between CDOT and the Bridge Enterprise.

